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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,276	07/10/2003	Alan J. Wegleitner	TI-35567	2454
23494	7590	07/20/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			GARLAND, STEVEN R	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/617,276

Applicant(s)

WEGLEITNER ET AL.

Examiner

Steven R. Garland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,7 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7 and 16-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1,7, and 16-24 are pending.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1,7, 16-20,22, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following examples are given.

In claim 1, lines 10-14, the wording is very unclear about what is being claimed. For example is "providing certifying and recertifying of a user including a training manager providing a menu of tools and materials " related to a training manager (person) or a user in general, or is the training manager actually software? Does the listing for selection of trainers who are in the system to train to be certified or recertified mean that the trainers are to be trained or are they used to train others?

In claim 1, line 8, "said tools or materials" lacks a clear antecedent basis. It appears "or" should be changed to --and/or--. Claim 7, line 8, and claim 16, line 8, have a similar problem.

Claim 1, line 13, "the system" lacks a proper antecedent basis.

In claim 7, line 6, "said prohibiting access means" and in line 7 "said user access means " both lack a proper antecedent basis.

Claim 16, line 7, "said user access means " lacks a proper antecedent basis.

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Claim 17, line 5, " the trainer" lacks a proper antecedent basis. Claim 22 has a similar problem.

Claim 18, lines 1-2, it is unclear what the phrase " if a subform and a recertification is to be performed " means, it appears -- the audit is -- should be inserted after "if". Claim 23 has a similar problem.

Claim 18, line 3, appears misdescriptive in view of figure 8. It appears "recertification" should be changed to -- an audit--. Note first decision block of figure 8. Claim 23 has a similar problem.

The examiner has provided a number of examples of claim deficiencies in the above rejections, however, the listing of problems in the claims may not be all inclusive. Applicant should refer to these rejections as examples of deficiencies and should make all the necessary corrections to eliminate the various 35 USC 112 2<sup>nd</sup> paragraph problems and place the claims in proper format, The claims have been treated on their merits as best understood by the examiner in view of the uncertainty caused by the problems under 35 USC 112 2<sup>nd</sup> paragraph noted above.

4. Due to the large amount of speculation required to interpret claim 1 no art rejection is applied against claim 1. See in re Steele 134 USPQ 292.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1,7,16-24 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original disclosure only mentions "training manager " in paragraphs 0022,0023, and claim 14. None of the cited sections provide support for numerous functions attributed to the training manager now being claimed such as in lines 10-14 of claim 1; in claim 7, lines 10-13; and claim 16, lines 10-15. These paragraphs give little guidance as to what the training manager is or does. Further none of the passages provide support for the a limitation in which a training manger provides a menu of tools and materials to be certified or recertified. Also the description of the training manager does not support the new limitation in regards to the means for selection and listing of trainers for selection who are in the system to train before giving access to the tools or materials ( at best paragraph 0023 only supports a tool).

Also the written description, in regards to claims 16 and 21, provides little guidance as to what is meant by term "log points" being used in the claims and the guidance appears to be contradictory. The term "log points" is only mentioned in paragraphs 0016,0018,0019, and 0024 and in one case it appears to be operations 0016, in paragraph 000018 it appears to not be operations, and 0019 it appears to be device type.

7. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in claim 19, "trainer" should be changed to --specialist-- to

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agree with figure 9 and to avoid confusion. Claims 17, 22, and 24 have a similar problem.

8. Remarks: in regards to the training manager of claims 7 and 16, while the training manager as such does not support the various claimed functions for the reason given above. It appears that other means in paragraphs 0022 and 0023 might support such functions. Also note claim 21 (which includes auditing and is a method claim which does not recite a training manager as in claims 7 or 16 ) has only been rejected on the basis of the written description of the log points.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*SL*

Steven R Garland  
Examiner  
Art Unit 2125

*Albert W. Paladini 7-18-02*  
**ALBERT W. PALADINI**  
**PRIMARY EXAMINER**